

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CAROLYN EGAN, on behalf of herself  
and all others similarly situated,  
Plaintiff(s),

Index No. 07 CV 11285

AFFIDAVIT OF SERVICE

-against-  
MORGAN STANLEY & CO. INCORPORATED,  
MORGAN STANLEY, THE INVESTMENT  
COMMITTEE OF MORGAN STANLEY, et al.,  
Defendant(s).

-----X  
STATE OF NEW YORK )  
S.S.:  
COUNTY OF NEW YORK)

HECTOR FIGUEROA, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 20<sup>th</sup> day of December 2007, at approximately 2:50 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, CLASS COMPLAINT FOR VIOLATIONS OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT, INDIVIDUAL PRACTICES OF JUDGE ROBERT W. SWEET, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK AND 3<sup>RD</sup> AMENDED INSTRUCTIONS FOR FILING AND ELECTRONIC CASE OR APPEAL** upon Cordell G. Spencer at 1633 Broadway, New York, NY 10019, by personally delivering and leaving the same with Scott Tucker at that address.

Scott Tucker is a white male, approximately 50 years of age, stands approximately 5 feet 10 inches tall and weighs approximately 160 pounds with brown hair and light eyes wearing glasses.

  
HECTOR FIGUEROA #870141

Sworn to before me this  
24<sup>th</sup> day of December, 2007

  
NOTARY PUBLIC

EVAN COHAN  
NOTARY PUBLIC & ATTORNEY AT LAW OF NY  
NO. 32004980577  
QUALIFIED IN ROCKLAND COUNTY  
QUALIFIED IN NEW YORK COUNTY  
JAN 11 2008